

**MINUTES OF THE REGULAR MEETING OF THE PLANNING BOARD OF
THE VILLAGE OF IRVINGTON HELD IN THE TRUSTEES' ROOM, VILLAGE
HALL, ON WEDNESDAY, OCTOBER 4, 2000.**

Members Present: Peter Lilienfield
William Hoffman
Jay Jenkins, Secretary
Allen Morris

Members Absent: Patrick Natarelli

Also Present: Lino J. Sciaretta, Village Counsel
Brenda Livingston & Joseph Elliot, Ad Hoc Planning Board
Members
Edward P. Marron, Jr., Building Inspector
Florence Costello, Planning Board Clerk
Thomas Jackson, Environmental Conservation Board
Applicants and other persons mentioned in these Minutes
Members of the Public.

IPB Matters

Considered:

- 94-03 – Westwood Development Associates, Inc.**
Broadway, Riverview Road & Mountain Road
- 98-44 – Ciccio & Chernick**
Riverview Road
- 99-31 – Danfor Realty – Fatato Subdivision**
Harriman Road
- 00-19 – Northwest Neu Corp.**
Riverview Road
- 00-21 – Mercy College**
555 Broadway
- 00-24 – Miji Inaba**
Fieldpoint Drive
- 00-28 – Bridge Street Properties**
1 Bridge Street
- 00-29 – Thomas Wexler**
297 Riverview Road
- 00-30 – Eileen Fisher**
44 Matthiessen Park
- 00-32 – Osa B. Murphy**
53 Havemeyer Road
- 00-33 – Ettore D'Alessio**
125 South Broadway
- 00-34 – Robert Massie & Deborah Karl**
52 West Clinton Avenue
- 00-35 – John & Liz Semerad**
16 Park Road

The Chairman called the meeting to order at 8:00 p.m.

Administrative:

1. With reference to a Local Law adopted by the Village Board prohibiting the Board from considering any application concerning property on which taxes are delinquent, Mrs. Costello advised the Board that the Village Clerk-Treasurer had confirmed that all properties on the Agenda were current as to taxes and fees. Further, unless otherwise noted, the Applicants submitted evidence of Notice to Affected Property Owners.
2. The Chairman announced to the meeting that the Village Board of Trustees has proposed a bond issuance in the principal amount of \$3 million, the proceeds to be used for the acquisition by the Village of green spaces. The proposal will be on the ballot on November 7, 2000.

IPB Matter #94-03:

Application of Westwood Development Associates, Inc., for Limited Site Development Plan Approval for property at Broadway, Riverview Road and Mountain Road.

Charles Pateman appeared for the Applicant. The proceeding was a continuation of the public hearing on the Westwood Development Project.

The Chairman responded that the Board held a work session with the Applicant on September 20, 2000. The Applicant requested, and the Board agreed to attend, an additional work session on October 18, 2000, subject to Planning Board receipt of revised plans by October 11, 2000.

The Chairman adjourned the public hearing to the next meeting of the Planning Board on November 1, 2000.

IPB Matter #00-32:

Application of Osa B. Murphy for Waiver of Site Development Plan Approval for property at 53 Havemeyer Road.

The Applicants appeared for themselves. The Application relates to a proposed addition to a single family residence for which the Zoning Board of Appeals has granted a variance from setback requirements. Mr. Mastromonaco had no engineering concerns. The Board noted that the addition increases coverage by more than 15% but determined the consequence to be insignificant in light of the small size of the existing structure. Applicant submitted: Survey of property prepared by Aristotle Bournazos, P.C. dated May 26, 1995, and plans entitled Additions and Alterations to John B. and Osa B. Murphy Residence by Arthur R. Minner, AIA, dated August 30, 2000, six (6) sheets.

After discussion, and on motion duly made, seconded and unanimously approved, the Board adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan approval for this Application.

IPB Matter #00-33:

Application of Ettore D'Alessio for Site Development Plan Approval for property at 125 South Broadway.

Andrew Tesoro appeared for the Applicant. The Application relates to the construction of a second floor, two car garage and study/guest room to an existing single family residence. Plans submitted were: Alterations D'Alessio Residence, by Tesoro Architects, dated September 20, 2000, 7 sheets. Mr. Hoffman recused himself from the consideration of this Application.

Mr. Mastromonaco (memo dated October 3, 2000) noted several issues with the plans, including (i) the need for erosion controls, (ii) the lack of signed and sealed drainage design calculations, (iii) the need for an overflow discharge for the drywell system and (iv) the lack of certified maximum lot coverage calculation. He also noted that the proposed wood deck does not appear on the plans, but the Applicant confirmed he intended to delete the deck. A neighbor, Joseph Leahey, spoke and noted the lack of a drywell at the rear of the property, concerns about drainage and concerns about the increased height of the structure. The Building Inspector confirmed that the proposed addition meets Village height requirements.

Following questions raised by the Board, the Applicant agreed to delete any proposed modification to the driveway and access to the property from Hamilton Road.

The Board requested that the Applicant submit revised plans to reflect (i) the deletion of the deck, (ii) the deletion of the driveway modification and (iii) responses to

Mr. Mastromonaco's concerns (including drainage). The Board adjourned this matter to the Board's November 1, 2000 meeting.

IPB Matter #00-34:

**Application of Robert Massie & Deborah Karl
For Site Development Plan Approval for
Property at 52 West Clinton Avenue.**

The Applicant did not appear, the Application has been withdrawn.

IPB Matter #00-35:

**Application of John & Liz Semerad for Waiver
Of Site Development Plan Approval for property
At 16 Park Road.**

Matthew Behrens appeared for the Applicant. The Application relates to the proposed construction of a new, free-standing garage and driveway. The garage will be 1 ½ stories with total cubic area of 9,716 cubic feet, increasing the lot coverage from 4% to 6%. Drawings submitted: Survey of 16 Park Road dated July 9, 1999, by Edward G. Mihalcz, L.S., New Garage, Semerad Residence by Matthew Behrens, Architect dated September 15, 2000, 3 sheets.

Mr. Mastromonaco noted that the plans should show topographic information and a drywell for the new roof area. The Applicant agreed to comply.

The Board questioned the placement of the new garage and the impact on trees, and the Applicant represented that the placement actually provided the least possible impact on specimen trees.

The Board requested that the Applicant confirm, and the Applicant did confirm, that he would (i) submit a planting plan, (ii) refrain from constructing any kitchen, bathroom or other living areas in the new structure and (iii) paint and replace the door of an existing storage shed.

After discussion and on motion duly made, seconded and unanimously approved, and IN ALL EVENTS SUBJECT TO THE FOREGOING CONDITIONS, the Board adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major

site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan Approval for this Application.

IPB Matter #98-44:

Application of Joseph & Denise Ciccio and Mitchell & Sheri Chernick for subdivision of property at Riverview Road.

Norman Sheer, Esq., attorney for the Applicant, appeared to continue the Public Hearing.

The Chairman explained that the Applicant has presented a resolution for adoption by the Board for approval of a site development plan for certain property located at Riverview Road. The Chairman noted that the Board has received a letter from the Irvington Fire Department recommending that the common portion of the driveway be widened to at least 14 ft. and a letter dated September 26, 2000 from the Department of Public Works confirming satisfaction with the proposed development. The Chairman noted that proper filings, including the Short Environmental Assessment Form, have been made. The Chairman formally closed the Public Hearing. The Board determined that this was an unlisted action that would not have a significant adverse impact on the environment.

After discussion and on motion duly made, seconded and unanimously approved, the Board adopted the Resolution attached hereto as Exhibit A.

IPB Matter #00-21:

Application of Mercy College for renewal of Special Permit.

Nathan Dickmeyer, Vice President for Finance and Administration/Treasurer of Mercy College, appeared for the Applicant to continue the public hearing on the proposed renewal of the Special Permit granted to Mercy College on June 6, 1996. Mr. Hoffman recused himself from the consideration of this Application.

The Chairman noted that the Board had received a letter from the Applicant removing from the Application the provision for leasing parking spaces. The Building Inspector confirmed that the College has rectified all issues he has raised with the properties.

The Chairman discussed the effect of the decision of The Landing to prohibit use by Mercy College of the entrance off Broadway into Our Lady of Victory Academy and questioned whether or not the College should erect a barrier on the road running behind the Academy to prevent residents of The Landing from driving through the College campus to gain access to the entrance at Langdon Avenue and Broadway. Such a restriction may be required by terms of the Special Permit. The Board requested that the Applicant include in the Application a provision requiring an annual report to the Board on the traffic patterns at Mercy College so that the Board can assess on an annual basis the advisability of requiring the restriction described above. The Applicant agreed to submit the revised Application for the Board's next meeting on November 1, 2000.

IPB Matter #00-24:

**Application of Miji Inaba for Amendment of
Approved Subdivision at Fieldpoint Drive.**

The Application, which had been carried over from the September Board meeting, relates to an amendment of a previously approved site plan. The Applicant reported that the Applicant, Mr. Mastromonaco and the Building Inspector have met, and the Applicant has submitted new plans dated September 18, 2000, last revised October 3, 2000, reflecting the introduction of a second retaining wall, the elimination of a swale to redirect drainage to a drywell and a landscaping plan. The Applicant confirmed that no additional trees are to be removed and the pruning (for site clearance purposes) will involve only low branches.

After discussion, the Board took the following action. It approved plan entitled Lot # 1 of the Goodkind Subdivision for Miji Inaba, Fieldpoint Drive, Revised Site Development Plan dated September 18, 2000, last revised October 3, 2000, prepared by Studer Design Associates.

IPB Matter #00-30:

**Application of Eileen Fisher for Site
Development Plan Approval for property
at 44 Matthiessen Park.**

Earl Ferguson appeared for the Applicant. The Application, which was carried over from the Board's September meeting, relates to the proposed demolition of an existing residence and construction of a new single family residence.

The Chairman responded that the Board held a site walk at the subject property on September 16, 2000. The Applicant submitted a revised plan entitled: Fisher Residence, by Earl Everett Ferguson, Architect, Sheet A-04, dated September 12, 2000, Sheet A-06, A-07, A-08 and A-09 dated September 19, 2000. In response to questions about coverage issues, the Applicant confirmed that the proposed plan exceeds allowable coverage by approximately 100 ft. After discussion regarding whether or not patios are to be included in the coverage calculation under the Village Code, the Applicant

conceded that, if such patios are so included, the plan exceeds allowable coverage by 2000 ft.

The revised plan makes some changes in the height of the proposed structure, reducing it to 40 ft. at its highest point. The Building Inspector confirmed that, in accordance with the requirement that the measurement be made from the lowest point of the proposed structure, the height exceeds the Code limitations. Further, the Board confirmed that the measurement is not bifurcated by virtue of the two-phase construction plan.

The Chairman noted the receipt of two letters from neighbors, including Frank and Lisina Hoch, who expressed concern about the proposed height of the structure and requested strict application of Code requirements, and Harriet Gamper, who expressed concern about drainage and related construction issues. Frank Martucci, a neighbor, spoke at the meeting to express his concern about the height of the proposed structure and about the potential adverse impact on a local water line.

After discussion the Board advised the Applicant to obtain a ruling from the Zoning Board of Appeals on the coverage and height issues or submit revised plans.

IPB Matter #00-19:

Application of Northwest Neu Corp., for Site Development Plan Approval for Property at Riverview Road.

John Neubauer appeared for the Applicant. The Application had been carried over from the Board's September meeting. The Applicant submitted revised plans, which satisfied Mr. Mastromonaco's engineering concerns and reflected compliance with all applicable frontage and setback requirements. Plan entitled Site Plan for New Residence at Riverview Road, Irvington, New York, Prepared by Anthony S. Pisarri, P.E., Consulting Engineer, dated May 15, 2000, revised September 13, 2000 was submitted.

The Applicant also submitted evidence of approval from the Department of Health, dated August 18, 2000, with regard to the proposed septic system.

The Applicant agreed that, as a condition of the approval, if a sewer hook-up within 400 ft. of the property becomes available at any time, the Applicant shall hook-up to such sewer so long as it is economically viable to do so.

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. There were no comments from the public. The Board then determined that the application is for a proposed action which is a Type II action under SEQRA.

After discussion, on motion duly made, seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist to make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, the Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan Approval for this Application.

IPB Matter #99-31:

Application of Danfor Realty for Determination of Site Capacity for proposed Subdivision of Property at Harriman Road.

The Applicant did not appear, and this matter was carried over to the next Board meeting.

IPB Matter #00-28:

Application of Bridge Street Properties, LLC. Continuation of Informal Discussion.

The Applicant did not appear, and this matter was carried over to the next Board meeting.

IPB Matter #00-29:

Application of Thomas Wexler for Waiver of Site Development Plan Approval for Property at 297 Riverview Road.

The Applicant did not appear, and this matter was carried over to the next Board meeting.

The Board then considered the following administrative matters:

- The Minutes of the Planning Board meeting on September 6, 2000 were approved.

- A Work Session of the Planning Board on Westwood was scheduled for October 18, 2000.
- The next regular meeting of the Planning Board was scheduled for November 1, 2000.

There being no further business, the meeting was adjourned.

Jay Jenkins, Secretary